

Customer No.: 26308

IPW AF/3738
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Corres. and Mail

Application of: Reiley
Serial No.: 10/067,137
Filed: 4 February 2002
Facet Arthroplasty Devices and Methods

BOX AF

Group No.: 3738
Examiner: D. Isabella



Response under 37 CFR 1.116
Expedited Procedure
Examining Group: 3738

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450



26308

PATENT TRADEMARK OFFICE

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of September 20, 1985 (1059 O.G. 19-20).

AMENDMENT OR RESPONSE AFTER FINAL REJECTION - TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 CFR 1.116) for this application.

NOTE: Response to Final Rejection - Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the Final Rejection." Notice of November 30, 1990 (122 O.G. 571 to 591).

STATUS

2. Applicant is

☒ a small entity
☐ other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date: 9 June 2004

Linda S. Wenzel

Type or print name of person mailing paper

(Signature of person mailing paper)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| | Extension (months) | Fee for other than <u>Small Entity</u> | Fee for <u>Small Entity</u> |
|-------------------------------------|-----------------------|---|--------------------------------|
| <input checked="" type="checkbox"/> | one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> | two months | \$ 420.00 | \$ 210.00 |
| <input type="checkbox"/> | three months | \$ 950.00 | \$ 475.00 |
| <input type="checkbox"/> | four months | \$1480.00 | \$ 740.00 |

Fee: \$ 55.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured and the fee paid therefor of \$ ____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ _____

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

| | Claims Re- maining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Additional Fee (Small Entity) | Additional Fee (Large Entity) |
|---|--|---------------------------------------|------------------|------------|----------------------------------|----------------------------------|
| Total Claims 37 CFR 1.16(c)* | 5 | -20 = | (15) | x \$9.00 | \$0 | \$0 |
| Independent Claims (37 CFR 1.16(b)** | 2 | -3 = | (1) | x \$ 43.00 | \$0 | \$0 |
| First Presentation of Multi- ple Dependent claim(s) if any (37 CFR 1.16(d)) | | | | \$145.00 | \$0 | \$0 |
| Total Additional Fee | | | | | \$0 | \$0 |

* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR S 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$_____.

FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 110.00.

☐ Charge Account No. _____ the sum of \$_____.

A duplicate of this transmittal is attached.

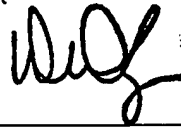
FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 06-2360.

AND/OR

☒ If any additional fee for claims is required charge Account
No. 06-2360



SIGNATURE OF ATTORNEY

Reg. No.: 29,243

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RYAN KROMHOLZ & MANION, S.C.

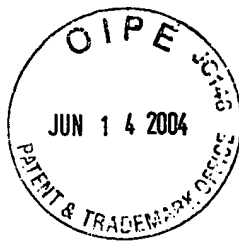
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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reiley

Docket No. 9448.17205-CIP 2

Serial No.: 10/067,137

Examiner: D. Isabella

Filed: 4 February 2002

Group Art Unit: 3738

Title: Facet Arthroplasty Devices and Methods

AMENDMENT C
SUBMITTED AFTER FINAL ACTION PURSUANT TO 37 C.F.R. §1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This Amendment responds to the Office Action mailed February 17, 2004, which was designated a Final Action. An automatic one month extension of time to respond, up to and including June 17, 2004, is respectfully requested. The requisite fee accompanies this Amendment.

Please amend the application as follows: